

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIO HALLOM,)	
)	
Plaintiff,)	15 C 5194
)	
vs.)	Honorable Judge
)	Manish S. Shah
DR. PATEL ET AL.,)	
)	
Defendants.)	

DEFENDANTS ANSWER TO PLAINTIFF'S COMPLAINT

NOW COME the Defendants, MANISH PATEL, P.A., AND GLEN TRAMMEL, P.A., by and through their attorney, ANITA ALVAREZ, Cook County State's Attorney, through her assistant, Allyson L. West, and for their Answer to Plaintiff's Complaint state as follows:

1. On or about July 16, 2014, I entered the Cook County jail, and immediately went through the processing which included a medical staff. Upon this process, I was asked all questions concerning my health, medications and mental capacity. I answered all questions truthfully.

ANSWER: Defendants lack sufficient knowledge or information to admit or deny the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2. I was on various medications. I had a prescription sheet that I received while incarcerated at a state correctional facility.

ANSWER: Defendants lack sufficient knowledge or information to admit or deny the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. I have back pain due to a gunshot wound, shoulder pain due to police brutality, sinus problem, Buspor (sic) for mental problems and Effexor, Bronchitus, and am Anemic.

ANSWER: Defendants lack sufficient knowledge or information to admit or deny the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. I am receiving no medications for the latter 2.

ANSWER: Defendants deny each and every allegation contained in Paragraph 4 of Plaintiff's Complaint.

5. I have repeatedly requested medical attention through the proper channels which is yellow medical request forms and the grievance process.

ANSWER: Defendants lack sufficient knowledge or information to admit or deny the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. I have numerous grievances and the responses which are total lies.

ANSWER: Defendants deny each and every allegation contained in Paragraph 6 of Plaintiff's Complaint.

7. I have been told by both Dr.'s named in this petition that I would be send to an orthopedic specialists (sic) but I have yet to go.

ANSWER: Defendants deny each and every allegation contained in Paragraph 7 of Plaintiff's Complaint.

8. I am being refused proper medication.

ANSWER: Defendants deny each and every allegation contained in Paragraph 8 of Plaintiff's Complaint.

9. I am in constant pain and suffer intensely (sic) from this pain.

ANSWER: Defendants lack sufficient knowledge or information to admit or deny the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Attached you will find copies of the grievances and the replies that are untruthful.

ANSWER: Defendants admit that Plaintiff has attached copies of grievances dated April 13, 2015; September 26, 2014; December 30, 2014; March 26, 2015 but denies that the replies to such grievances are untruthful.

11. This has been going on for over 7 months now and I am being forced to suffer through this on my own without medication, therepy (sic).

ANSWER: Defendants deny each and every allegation contained in Paragraph 11 of Plaintiff's Complaint.

12. I have been constantly denied to see a (sic) orthopedic specialist, but am being told that I am scheduled to do so. I am tired of being lied to and am tired of the inadequate medical treatment being given to me.

ANSWER: Defendants deny each and every allegation contained in Paragraph 12 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

NOW COME Defendants, by their attorney, Anita Alvarez, State's Attorney of Cook County, through her Assistant State's Attorney, Allyson L. West, and hereby set forth the following Affirmative Defenses:

1. Defendants' conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional Rights. Accordingly, Defendants are entitled to the defense of qualified immunity.
2. To the extent any injuries or damages claimed by Plaintiff were proximately caused, in whole or in part, by negligent, willful, wanton and/or other wrongful conduct on the part of Plaintiff, any verdict or judgment obtained by Plaintiff must be reduced by application of the principles of comparative fault in an amount commensurate with the degree of fault attributed to Plaintiff by the jury in the case. In addition, to the extent that Plaintiff failed to take reasonable measures to mitigate any of his claimed injuries or damages, those facts shall be presented to preclude recovery for Plaintiff and any verdict or judgment

obtained by Plaintiff must be reduced by the amount of damages attributed to Plaintiff by the jury in this case.

3. Plaintiff has failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. Sec. 1997(e). *See Dale v. Lappin*, 376 F.3d 652, 655 (7th Cir. 2004).
4. Plaintiff's claims regarding are barred pursuant to *Heck v. Humphrey*, 512 U.S. 477 (1994).

JURY DEMAND

Defendants respectfully request a trial by jury.

WHEREFORE, based on the foregoing, Defendants deny that Plaintiff is entitled to any relief, including but not limited to damages, costs, or attorneys' fees. Defendants pray that this Honorable Court grant judgment in their favor and against Plaintiff on all aspects of his Complaint and further request that this Honorable Court grant judgment of Defendants' fees, costs and such other relief that this Court deems just and appropriate.

Respectfully Submitted:

ANITA ALVAREZ
State's Attorney of Cook County

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